



PUBLIC NOTICE

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MEDIA BUREAU PARTIALLY LIFTS THE FREEZE ON THE FILING OF PETITIONS FOR RULEMAKING TO CHANGE FULL POWER TELEVISION STATIONS' COMMUNITIES OF LICENSE

The Media Bureau is partially lifting a freeze imposed on August 3, 2004, on the filing of petitions for rulemaking to change a full power television station's community of license, effective upon publication of this Public Notice in the Federal Register. This partial lift will restore normal processing for those requests to modify a station's community of license where no technical facility change is required to comply with our principal community coverage requirements.¹ This action will alleviate the burden on licensees of filing a freeze waiver request in addition to a petition for rulemaking.

The Media Bureau first imposed a freeze on the filing of petitions to change channels and communities of license in the Table of Allotments in connection with the development of a channel election and repacking process in advance of the DTV transition.² The Bureau found that a freeze on the filing of petitions requesting new channels or service areas was "a necessary step to ensure a stable television database" in connection with that process.³ Although the DTV transition was completed in 2009, the Commission found it necessary to continue the freezes as a result of the National Broadband Plan, which recommended that the Commission reallocate spectrum to enable the expansion of new broadband services and consider methodologies for repacking television channels to increase the efficiency of channel use.⁴ In 2016 the Commission initiated the broadcast incentive auction, which resulted in the reallocation of broadcast television spectrum for flexible use. The incentive auction closed with the issuance of the *Closing and Channel Reassignment Public Notice* on April 13, 2017, and a 39-month post-auction transition period is underway, during which facilities of some broadcast television stations will be relicensed pursuant to new channel assignments.⁵

¹ See 47 CFR § 73.625.

² *Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes*, Public Notice, 19 FCC Rcd 14810 (2004).

³ *Id.* at 14810.

⁴ See, e.g., *Freeze on the Filing of Petitions for Digital Channel Substitutions, Effective Immediately*, Public Notice, 26 FCC Rcd 7721 (MB 2011); *Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modifications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate*, Public Notice, 28 FCC Rcd 4364 (MB 2013) (*April 2013 Freeze Public Notice*).

⁵ See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel*

Because the DTV transition is complete and the post-incentive auction transition is underway, it is no longer necessary to freeze community of license petitions that do not require a change in the station's service area. We find that normal processing of such petitions will have no impact on the post-incentive auction transition schedule and will alleviate any unnecessary burden associated with filing freeze waiver requests in addition to rulemaking petitions.

Rulemaking petitions to change community of license typically do not involve a change in the station's currently authorized technical facilities.⁶ We note that we do not at this time lift the freeze on filing of petitions for rulemaking for allotment of DTV channels for new stations, for changes to licensed stations' channels, or to change community of license which include changes in authorized technical facilities, all of which involve construction of new transmission facilities. Freezes associated with such filings remain in place.

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Assignments Announced; Post-Auction Deadlines Announced, Public Notice, 32 FCC Rcd 2786 (2017).

⁶ None of the most recent rulemaking requests for a change of community of license required a change in a station's technical facilities. See *Amendment of Section 73.622(i), Digital Television Table of Allotments (Scottsbluff, Nebraska and Sidney, Nebraska)*, Report and Order, 31 FCC Rcd 5204 (Vid. Div. 2016); *Amendment of Section 73.622(i), Digital Television Table of Allotments (Seaford, Delaware and Dover, Delaware)*, Report and Order, 29 FCC Rcd 4733 (Vid. Div. 2014) (subsequent citations omitted); *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments (Hampton-Norfolk, Virginia; Norfolk, Virginia-Elizabeth City, North Carolina)*, Notice of Proposed Rulemaking, 26 FCC Rcd 11304 (Vid. Div. 2011); *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments (North Pole and Plattsburgh, New York)*, Report and Order, 26 FCC Rcd 32 (Vid. Div. 2011); *Amendment of Section 73.606(b), Table of Allotments (Columbia and Edenton, North Carolina)*, Report and Order, 20 FCC Rcd 12457 (Vid. Div. 2004). In addition, there are currently pending rulemaking petitions requesting a waiver of the freeze on community of license changes where no technical changes are proposed or required.